

(6) the anticipated duration and cost of the deployment;

(7) in general terms the number of personnel of the Armed Forces of the United States estimated to be required in and around the Federal Republic of Yugoslavia (Serbia and Montenegro) after the termination of armed conflict and the mission of those personnel; and

(8) in general terms the roles and responsibilities of the NATO allies in the conduct of offensive ground operations, recovery and reconstruction efforts, and military missions after the termination of armed conflict.

(c) EXCEPTION.—Subsection (a) does not apply to any action to protect the security of personnel of the Armed Forces of the United States, or personnel of the armed forces of any other member country of the North Atlantic Treaty Organization (NATO), that are involved in military air operations in or adjacent to the Federal Republic of Yugoslavia (Serbia and Montenegro).

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 29, 1999, the federal debt stood at \$5,597,263,457,235.83 (Five trillion, five hundred ninety-seven billion, two hundred sixty-three million, four hundred fifty-seven thousand, two hundred thirty-five dollars and eighty-three cents).

One year ago, April 29, 1998, the federal debt stood at \$5,512,959,000,000 (Five trillion, five hundred twelve billion, nine hundred fifty-nine million).

Five years ago, April 29, 1994, the federal debt stood at \$4,568,704,000,000 (Four trillion, five hundred sixty-eight billion, seven hundred four million).

Twenty-five years ago, April 29, 1974, the federal debt stood at \$471,613,000,000 (Four hundred seventy-one billion, six hundred thirteen million) which reflects a debt increase of more than \$5 trillion—\$5,125,650,457,235.83 (Five trillion, one hundred twenty-five billion, six hundred fifty million, four hundred fifty-seven thousand, two hundred thirty-five dollars and eighty-three cents) during the past 25 years.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2778. A communication from the Assistant to the Board, Policy Development, Federal Reserve Board of Governors, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Market Risk" (Docket No. R-0996), received April 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2779. A communication from the Assistant to the Board, Division of Consumer and Community Affairs, Federal Reserve Board of Governors, transmitting, pursuant to law, the report of a rule entitled "Regulation Z, Truth in Lending" (R-1029), received April 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2780. A communication from the Assistant to the Board, Division of Consumer and

Community Affairs, Federal Reserve Board of Governors, transmitting, pursuant to law, the report of a rule entitled "Regulation M, Consumer Lending" (R-1029), received April 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2781. A communication from the Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 17571, 04/12/99", received April 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2782. A communication from the Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations, 64 FR 17569, 04/12/99" (FEMA-7280), received April 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2783. A communication from the Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations, 64 FR 17567, 04/12/99", received April 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2784. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Housing for Older Persons Act of 1995 (FR-4094)" (RIN2529-AA80), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2785. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Iranian Transactions Regulations (31 CFR Part 560): Implementation of Executive Order 13059" (31 CFR Part 560), received April 20, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2786. A communication from the Assistant General Counsel for Regulations, Office of the Secretary-Office of Lead Hazard Control, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Lead-Based Paint Poisoning Prevention in Certain Residential Structures-Information Collection Approval Numbers; Technical Amendment" (FR-4444-F-02), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2787. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports of Firearms" (RIN0694-AB68), received April 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2788. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Builder Warranty for High-Ratio FHA Insured Single Family Mortgages for New Homes (FR-4288)" (RIN2502-AH08), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2789. A communication from the Assistant General Counsel for Regulations, Office

of Public Housing and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Certificate and Voucher Programs Conforming Rule; Technical Amendment (4054)" (RIN2577-AB63), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2790. A communication from the Assistant General Counsel for Regulations, Office of Public Housing and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Certificate and Voucher Programs Conforming Rule; Technical Amendment (FR-4054)" (RIN2577-AB63), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2791. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA Single Family Mortgage Insurance; Statutory Changes for Maximum Mortgage Limit and Downpayment Requirement (FR-4431)" (RIN2502-AH31), received April 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without recommendation without amendment and with a preamble:

S.J. Res. 20. A joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia.

#### EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions:

Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor, vice Edmundo A. Gonzales, resigned.

Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003. (Reappointment)

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 2001. (Reappointment)

Chang-Lin Tien, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Joseph Bordogna, of Pennsylvania, to be Deputy Director of the National Science Foundation.

Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2001.

Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any

duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. BENNETT, Mr. CONRAD, and Mr. DORGAN):

S. 931. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 932. A bill to prevent Federal agencies from pursuing policies of unjustifiable non-acquiescence in, and relitigation of, precedent established in the Federal judicial courts; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 933. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. KERRY, Mr. HARKIN, and Mrs. MURRAY):

S. 934. A bill to enhance rights and protections for victims of crime; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 935. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CLELAND (for himself and Mr. MOYNIHAN):

S.J. Res. 24. A joint resolution conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher; to the Committee on Veterans Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. BENNETT, Mr. CONRAD, and Mr. DORGAN):

S. 931. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

##### FLAG PROTECTION ACT OF 1999

Mr. MCCONNELL. Mr. President, the American flag is our most precious national symbol and the Constitution is our most revered national document. They both represent the ideas, values and traditions that unify us as a people and a nation. Brave men and women have fought and given their lives in defense of the freedom and way of life that they both represent.

Today, I am proud to introduce, along with my colleague from Utah, Senator BENNETT, and my colleagues from North Dakota, Senator CONRAD and Senator DORGAN, the Flag Protection Act of 1999. This legislation would ensure that acts of deliberately

confrontational flag-burnings are punished with stiff fines and even jail time. My bill will help prevent desecration of the flag, and at the same time, protect the Constitution.

Those malcontents who desecrate the flag do so to grab attention for themselves and to inflame the passions of patriotic Americans. And, speech that incites lawlessness or is intended to do so merits no First Amendment protection, as the Supreme Court has made abundantly clear. From Chaplinsky's "fighting words" doctrine in 1942 to Brandenburg's "incitement" test in 1969 to Wisconsin v. Mitchell's "physical assault" standard in 1993, the Supreme Court has never protected speech which causes or intends to cause physical harm to others.

And, that, Mr. President, is the basis for this legislation. My bill outlaws three types of illegal flag desecration. First, anyone who destroys or damages a U.S. flag with a clear intent to incite imminent violence or a breach of the peace may be punished by a fine of up to \$100,000, or up to one year in jail, or both.

Second, anyone who steals a flag that belongs to the United States and destroys or damages that flag may be fined up to \$250,000 or imprisoned up to 2 years, or both.

And third, anyone who steals a flag from U.S. property and destroys or damages that flag may also be fined up to \$250,000 or imprisoned up to 2 years, or both.

Some of my colleagues will argue that we've been down the statutory road before and the Supreme Court has rejected it. However, the Senate's previous statutory effort wasn't pegged to the well-established Supreme Court precedents in this area.

This bill differs from the statutes reviewed by the Supreme Court in the two leading cases: *Texas v. Johnson*, (1989) and *U.S. v. Eichman*, (1990).

In *Johnson*, the defendant violated a Texas law banning the desecration of a venerated object, including the flag, in a way that will offend one or more persons. *Johnson* took a stolen flag and burned it as part of a political protest staged outside the 1984 Republican convention in Dallas. The state of Texas argued that its interest in enforcing the law centered on preventing breaches of the peace. But the government, according to the Supreme Court, may not "assume every expression of a provocative idea will incite a riot. . . ." *Johnson*, according to the Court, was prosecuted for the expression of his particular ideas: dissatisfaction with government policies. And it is a bedrock principle underlying the First Amendment, said the Court, that an individual cannot be punished for expressing an idea that offends.

The *Johnson* decision started a national debate on flag-burning and as a result, Congress, in 1989, enacted the

Flag Protection Act. In seeking to safeguard the flag as the symbol of our nation, Congress took a different tack from the Texas legislature. The federal statute simply outlawed the mutilation or other desecration of the flag.

The Supreme Court, however, ruled in *Eichman* that the federal statute was unconstitutional. Specifically, the Court found that Congressional intent to protect the national symbol was insufficient to overcome the First Amendment protection for the expressive conduct exhibited by flag-burning.

Notwithstanding these decisions, the Court clearly left the door open for outlawing flag-burning that incites lawlessness: "the mere destruction or disfigurement of a particular physical manifestation of the symbol, without more, does not diminish or otherwise affect the symbol itself in any way."

But Mr. President, you don't have to take my word on it. The Congressional Research Service has offered legal opinions concluding that this initiative will withstand constitutional scrutiny:

The judicial precedents establish that the [Flag Protection and Free Speech Act], if enacted, while not reversing *Johnson* and *Eichman*, should survive constitutional attack on First Amendment grounds.

In addition, Bruce Fein, a former official in the Reagan Administration and respected constitutional scholar, concurs:

In holding flag desecration statutes unconstitutional in *Johnson*, the Court cast no doubt on the continuing vitality of *Brandenburg* and *Chaplinsky* as applied to expression through use or abuse of the flag. [The Flag Protection and Free Speech Act] falls well within the protective constitutional umbrella of *Brandenburg* and *Chaplinsky* . . . [and it] also avoids content-based discrimination which is generally frowned on by the First Amendment.

And several other constitutional specialists also agree that this initiative respects the First Amendment and will withstand constitutional challenge. A memo by Robert Peck, and Professors Robert O'Neil and Erwin Chemerinsky concludes that this legislation "conforms to constitutional requirements in both its purpose and its provisions."

And, these same three respected men have looked at the few State court cases which have been decided since we had this debate 3 years ago and have reiterated their original finding of constitutionality. In a recent memo, they explained:

Three years ago . . . [w]e expressed our strongly held opinion that [the Flag Protection and Free Speech Act] would be compatible with the U.S. Supreme Court's rulings in *Texas v. Johnson*, 491 U.S. 397 (1989) and *United States v. Eichman*, 496 U.S. 310 (1990). We write now to reiterate that position, finding that nothing that has occurred in the interim casts any doubt on our conclusion.

Mr. President, I ask unanimous consent that the full text of these various memos be printed in the RECORD. And, I note that some of the memos refer to S. 982 in the 105th Congress and some